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CLOSED, CUSTODY

U.S. District Court
Middle District of Florida (Orlando)
CRIMINAL DOCKET FOR CASE #: 6:21-mj-01904-EJK All Defendants

Case title: USA v. Toner

Date Filed: 11/04/2021

Date Terminated: 11/04/2021

Assigned to: Magistrate Judge Embry J.
Kidd

Defendant (1)**James Toner***TERMINATED: 11/04/2021*represented by **D. Todd Doss**

Federal Public Defender's Office

201 S Orange Ave., Ste 300

Orlando, FL 32801-3417

407-648-6338

Fax: 386/755-3181

Email: Todd_Doss@fd.org

*ATTORNEY TO BE NOTICED**Designation: Public Defender or**Community Defender Appointment***Pending Counts**

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints18:3146A.F PENALTY FOR FAILURE
TO APPEAR**Disposition**

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USA

represented by **Shawn E. Napier**

US Attorney's Office - FLM*

Suite 3100

400 W Washington St

Orlando, FL 32801

407/540-3612

Fax: 407/648-7643

Email: shawn.napier@usdoj.gov

ATTORNEY TO BE NOTICED*Designation: Retained*

Date Filed	#	Docket Text
11/04/2021	1	Arrest pursuant to Rule 32.1 of James Toner from the Southern District of New York. (PML) (Entered: 11/04/2021)
11/04/2021	2	Minute Entry for In Person proceedings held before Magistrate Judge Embry J. Kidd: INITIAL APPEARANCE in Rule 32.1 proceedings held on 11/4/2021 as to James Toner from the Southern District of New York. (Digital) (PML) (Entered: 11/04/2021)
11/04/2021	3	ORAL MOTION to Appoint Counsel by James Toner. (PML) (Entered: 11/04/2021)
11/04/2021	4	***CJA 23 Financial Affidavit by James Toner. (PML) (Entered: 11/04/2021)
11/04/2021	5	ORDER APPOINTING FEDERAL PUBLIC DEFENDER granting 3 Oral Motion to Appoint Counsel as to James Toner. Signed by Magistrate Judge Embry J. Kidd on 11/4/2021. (PML) (Entered: 11/04/2021)
11/04/2021	6	WAIVER of Rule 32.1 hearing by James Toner. (PML) (Entered: 11/04/2021)
11/04/2021	7	ORAL MOTION for Miscellaneous Relief, specifically to be transported directly to BOP by James Toner. (PML) (Entered: 11/04/2021)
11/04/2021	8	ENDORSED ORDER denying 7 Oral Motion as to James Toner. Court directs defendant to be transported to the charging district. Rendered by Magistrate Judge Embry J. Kidd on 11/4/2021. (PML) (Entered: 11/04/2021)
11/04/2021	9	COMMITMENT TO ANOTHER DISTRICT as to James Toner. Defendant committed to the Southern District of New York. Signed by Magistrate Judge Embry J. Kidd on 11/4/2021. (PML) (Entered: 11/04/2021)
11/04/2021	10	ORDER OF REMOVAL pursuant to Rule 32.1 to the Southern District of New York as to James Toner. Signed by Magistrate Judge Embry J. Kidd on 11/4/2021. (PML) (Entered: 11/04/2021)
11/04/2021		NOTICE to Southern District of New York of a Rule 5 or Rule 32 Initial Appearance as to James Toner regarding your case number: 1:17-cr-569-ER. Using your PACER account, you may retrieve the docket sheet and any documents via the case number link. No documents/record will be sent. If you require certified copies of any documents please send a request to InterdistrictTransfer_FLMD@flmd.uscourts.gov. If you wish the court to use a different email address in the future, please send a request to update your address to InterdistrictTransfer_TXND@txnd.uscourts.gov. (PML) (Entered: 11/04/2021)

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**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

UNITED STATES OF AMERICA

VS.

CASE NO: 6:21-mj-1904-EJK

JAMES TONER

**FINDINGS AND ORDER ON REMOVAL PROCEEDINGS
PURSUANT TO RULE 5(c), FED.R.CRIM.P.**

James Toner, having been arrested and presented before me for removal proceedings pursuant to Rule 5(c), Federal Rules of Criminal Procedure, and having been informed of the rights specified in Rule 5(d) thereof, and of the provisions of Rule 20, the following has occurred of record.

An Initial Appearance on the Rule 5(c) Order of Court from Southern District of New York was held on November 4, 2021.

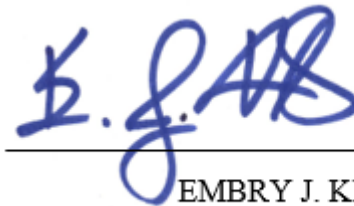
After hearing the evidence, and based on the defendant's waiver of identity hearing, I find that JAMES TONER is the person named in the warrant for arrest, a copy of which has been produced.

No preliminary hearing has been held because the defendant elects to have the preliminary hearing conducted in the district in which the prosecution is pending.

It is, therefore,

ORDERED that JAMES TONER be held to answer in the district court in which the prosecution is pending. Final Commitment given to the U.S. Marshal.

DONE and **ORDERED** in Chambers in Orlando, Florida on November 4, 2021 .



EMBRY J. KIDD
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
for the
Middle District of Florida

UNITED STATES OF AMERICA

VS.

CASE NO: 6:21-mj-1904-EJK

JAMES TONER

Defendant

Charging District's
Case No. 1:17-cr-569-ER

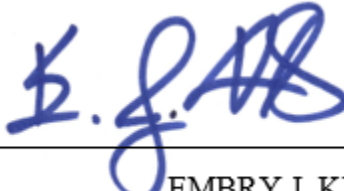
COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the Southern District of New York.

The defendant: is requesting court appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.



EMBRY J. KIDD
UNITED STATES MAGISTRATE JUDGE

Date: 11/4/2021

UNITED STATES DISTRICT COURT
Middle District of Florida
ORLANDO DIVISION

UNITED STATES OF AMERICA

VS.

CASE NO: 6:21-mj-1904-EJK

JAMES TONER

Charging District's
Case No. 1:17-cr-569-ER

**WAIVER OF RULE 5 & 5.1 HEARINGS
(Bench Warrant-VIO PTR)**

I, **James Toner**, understand that I have been charged in another district, the Southern District of New York. I have been informed of the charges and of my rights to:


- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise - unless I am indicted - to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed.R. Crim.P. 20, to plead guilty.

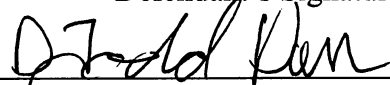
I AGREE TO WAIVE MY RIGHT(s) TO:

- ☒ an identity hearing and production of the warrant
- ☒ a preliminary hearing
- ☒ a detention hearing
- ☒ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

November 4, 2021



Defendant's Signature


Signature of defendant's attorney
D. Todd Doss

Printed name of defendant's attorney

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

UNITED STATES OF AMERICA

VS.

CASE NO: 6:21-mj-1904-EJK


JAMES TONER

ORDER APPOINTING FEDERAL PUBLIC DEFENDER

Because the above named defendant has testified under oath or has otherwise satisfied this Court that he/she: (1) is unable to employ counsel, and (2) does not wish to waive counsel, and because the interests of justice so require, it is

ORDERED that the Federal Public Defender is appointed to represent the above named defendant in this District in this case. The defendant may be required to contribute to the cost of this representation depending on circumstances to be determined at a later date.

DONE and **ORDERED** in Orlando, Florida on November 4, 2021.



EMBRY J. KIDD
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

United States Attorney
Federal Public Defender
District Judge

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

UNITED STATES OF AMERICA

VS.

CASE NO: 6:21-mj-1904-EJK

JAMES TONER

AUSA: Shawn Napier
FPD: Todd Doss

JUDGE:	EMBRY J. KIDD United States Magistrate Judge	DATE AND TIME:	November 4, 2021 11:21 A.M.- 11:32 A.M.
Courtroom:	4C	TOTAL TIME:	11 minutes
DEPUTY CLERK:	T. LeGros	REPORTER:	Digital Orlando_Digital_Transcripts@fl md.uscourts.gov
INTERPRETER:	N/A	PRETRIAL:	Charles Sweatt

CLERK'S MINUTES

**INITIAL APPEARANCE VIOLATION OF PRETRIAL RELEASE
(RULE 5C FROM THE SOUTHERN DISTRICT OF New York)**

Defendant was arrested today

Case called, appearances made, procedural setting by the Court.
Government advises defendant of the allegations in the pretrial release petition of the potential penalties.
Defendant requests court appointed counsel- Court appoints FPD for proceedings in the MDFL.
Defendant waives Rule 5 & 5.1 hearings.
Defense oral motion that defendant be transported to BOP directly; Motion denied.
Court directs the USM to transport defendant to the charging district as directed in the arrest warrant.
Court adjourned.